

ENTERED

January 15, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JESUS SOLIZ,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:24-CV-00073

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

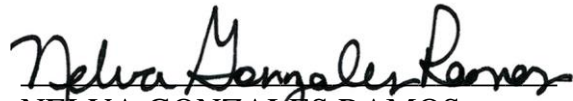
On December 13, 2024, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (D.E. 30). The Memorandum and Recommendation recommends that all pending motions be denied, this action be dismissed, and no certificate of appealability be issued because this habeas corpus action is moot, due to Petitioner’s release from custody. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's memorandum and recommendation (D.E. 30), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court

- **DISMISSES** Petitioner's habeas petition (D.E. 8) without prejudice for lack of subject matter jurisdiction as moot;
- **DENIES** as moot Petitioner's pending motions for judicial notice and permission to file a § 1983 action (D.E. 17), for a preliminary injunction or temporary restraining order (D.E. 21), to proceed in forma pauperis on the motion for preliminary injunction or temporary restraining order (D.E. 22), to stay this action (D.E. 24), for leave to file supplemental grounds for relief (D.E. 25), and for extension of time to respond to Respondent's motion for summary judgment (D.E. 26, 28);
- **DENIES** as moot Respondent's motion for summary judgment (D.E. 20); and
- In the event that Petitioner requests a certificate of appealability, that request is **DENIED**.

ORDERED on January 15, 2025.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE